

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA**

**NOTICE OF PROPOSED AMENDMENTS AND ADDITIONS TO THE FEDERAL RULES OF  
BANKRUPTCY PROCEDURE AND REVISIONS TO OFFICIAL BANKRUPTCY FORMS  
EFFECTIVE DECEMBER 1, 2003**

**A. Proposed Amendments and Changes to the Federal Rules of Bankruptcy Procedure**

*Notice hereby is given* that the following changes to the Federal Rules of Bankruptcy Procedure (FRBP) are due to take effect on December 1, 2003, barring congressional action to reject, modify or defer these rule changes:

1. **Rule 1005** is amended to require inclusion on the caption appropriate numerical identifiers, but using only the last four digits of the Social Security number. The full Employer's Identification number and any other federal tax identification number must be included as well.
2. **Rule 1007** is amended to require the debtor to submit a verified statement of his or her full Social Security number. This statement is submitted, but is not filed in the case and does not become part of the court record. Therefore, the full Social Security number does not become a part of the electronic case record that would be available to the public either through Internet access or by a search of the paper records at the court.<sup>1</sup> The rule is further amended to add an obligation for corporate debtors to include information regarding owners that also are corporations. The disclosure provides to the court, at the beginning of the case, some of the information necessary to make judicial qualification decisions.
3. **Rule 2002** is amended to require the clerk to include the debtor's full Social Security number on the § 341 creditors' meeting notice. The full number is included only on the notices sent to the creditors and not on the copy of the notice that becomes part of the court record.
4. **Rule 2003** is amended to reflect the enactment of a new subchapter V of chapter 7 of the Bankruptcy Code that makes multilateral clearing organizations eligible for bankruptcy relief.
5. **Rule 2009** is amended to reflect the enactment of a new subchapter V of chapter 7 of the Bankruptcy Code that makes multilateral clearing organizations eligible for bankruptcy relief.
6. **Rule 2016** is amended to implement amendments made to 11 U.S.C. § 110(h)(1).
7. **Rule 7007.1** is added to require parties in adversary proceedings to disclose corporate entities that own 10% or more of the stock of the party to provide the court with some of the information necessary to make judicial disqualification decisions.<sup>2</sup>

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<sup>1</sup> New FRBP 1007(f) requires that an individual debtor "submit" to the court a statement under penalty of perjury setting out the debtor's full Social Security number, or stating that the debtor does not have a Social Security number. The rule requires that the debtor submit the statement with the petition. A new Bankruptcy Official Form 21, "Statement of Social Security Number(s)," was approved by the Judicial Conference of the United States when it met in September 2003. Because the new statement will be "submitted" rather than "filed," it will not be part of the case file available to the parties, bar and public. Bankruptcy CM/ECF Version 2.3, which has been completed by the Administrative Office of the U.S. Courts, will comply with the privacy requirements. The Court will effect an upgrade to Version 2.3 as of December 1, 2003. Additional information will be provided at a later date regarding the Version 2.3 submission mechanism for Bankruptcy Official Form 21. Also, Local Bankruptcy Rule 1007-1(I)(2), effective December 1, 2003, provides that "[i]n a voluntary case, if the required statement of social security number is not submitted at the time of the filing of the voluntary petition, the Clerk shall enter an order of dismissal unless the same statement is submitted in the required format no later than one (1) business day after the filing of the petition."

<sup>2</sup>In compliance with FRBP 7007.1, paragraphs (A), (B) and (C) of Local Bankruptcy Rule 7007-1 are repealed effective December 1, 2003, and the following new rule provision is added: "If the adversary proceeding is not assigned to the Electronic Case Filing System, the Financial Interest Disclosure Statement shall be filed in duplicate; otherwise the statement shall be filed consistent with the Electronic Case Filing System requirements approved by the Court." Exhibit 6 to the Local Bankruptcy Rules *Financial Interest Disclosure Statement*, also effective December 1, 2003, is modified to conform to the requirements of new FRBP 7007.1.

## B. Revisions to Official Bankruptcy Forms

*Notice further is given that the following revisions to the Official Bankruptcy Forms, as approved by the Judicial Conference of the United States, are due to take effect on December 1, 2003:*

1. **Official Form 1** is the voluntary petition form. It is amended to add a checkbox for designating a clearing bank case file under subchapter V of chapter 7 of the Bankruptcy Code. Also, the form is amended to require the debtor to disclose only the last four digits of the debtor's Social Security number, and other complete Employer's Identification number/Taxpayer Identification number. The debtor must state all applicable numbers. Use of the last four digits of the debtor's Social Security number will provide creditors with sufficient information to identify the debtor accurately while affording greater privacy to the debtor.

**Bankruptcy Petition Preparer (Non-Attorney):** Pursuant to 11 U.S.C. § 110(c), the certification by a non-attorney bankruptcy petition preparer continues to require a petition preparer to provide the full Social Security number of the individual who actually prepares the document.

The form is amended by adding a parenthetical statement under the line provided for disclosing the bankruptcy petition preparer's full Social Security number to the effect that the number is "(Required by 11 U.S.C. § 110(c).)" This parenthetical also has been added to the following forms:

- a. **Official Form 3**, Application to Pay Filing Fee in Installments (*Note:* the EDVA local form should be used in lieu of Official Form 3);
- b. **Official Form 6**, Declaration Concerning Debtor's Schedules;
- c. **Official Form 7**, Statement of Financial Affairs;
- d. **Official Form 8**, Chapter 7 Individual Debtor's Statement of Intention; and
- e. **Official Form 19**, Certification and Signature of Non-Attorney Bankruptcy Petition Preparer (See 11 U.S.C. § 110).

*As set forth in 11 U.S.C. §110(k): "Nothing in this section [§110] shall be construed to permit activities that are otherwise prohibited by law, including rules and laws that prohibit the unauthorized practice of law."*

2. **Official Form 5** is the involuntary petition form. It is amended to give notice to child support creditors and their representatives that no filing fee is required if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, Pub.L. No. 103-394, 108 Stat. 4106 (Oct. 22, 1994). The form further is amended to require the petitioner to disclose only the last four digits of the debtor's Social Security number, and other complete Employer's Identification number/Taxpayer Identification number. The petitioner must state all applicable numbers. This will afford greater privacy to the individual debtor whose bankruptcy case records may be available on the Internet. The form also is amended to delete the request for information concerning the "Type of Business," as this data no longer is collected for statistical purposes.
3. **Official Form 6** is the declaration concerning debtor's schedules form. It is amended as follows:
  - a. Schedule D (Creditors Holding Secured Claims), Schedule E (Creditors Holding Unsecured Priority Claims) and Schedule F (Creditors Holding Unsecured Nonpriority Claims) are amended to inform the debtor that the debtor's account number with a listed creditor is useful to the trustee and to the creditor and should be provided whenever practicable, but not require the number to be provided.
  - b. Schedule I (Current Income of Individual Debtor(s)) is amended to provide greater privacy to minors and other dependents of the debtor by deleting the requirement that the debtor disclose their names.

4. **Official Form 7** is the statement of affairs form. It is amended to require that only the last four digits of any account number need be disclosed by the debtor.
5. **Official Form 9, A-I**, are forms for notices of meeting of creditors and deadlines for chapters 7, 11, 12 and 13 of the Bankruptcy Code. They are amended to add to the information provided to creditors, the trustee and the United States trustee, all the names used by the debtor during the six years prior to the filing of the petition. The form includes the debtor's full Employer's Identification number, if any, as well as the last four digits of the debtor's Social Security number. FRBP 2002(a)(1) also is amended to direct the clerk to include the debtor's full Social Security number and Employer Identification number on the notices served to the United States trustee, the trustee and creditors. This will enable creditors to identify the debtor accurately. The copy of Official Form 9 that is included in the case file, however, will show only the last four digits of the debtor's Social Security number. This will afford greater privacy to the individual debtor, whose bankruptcy case records may be available on the Internet. In addition, the shading is removed from the form, for all chapters. The Administrative Office of the U.S. Courts is working with the Bankruptcy Noticing Center to institute necessary § 341 creditors' meeting and other noticing changes to facilitate compliance by the bankruptcy courts with the new FRBP and official bankruptcy forms changes.
6. **Official Form 10** is the proof of claim form. It is amended to require a wage, salary or other compensation creditor to disclose only the last four digits of the creditor's Social Security number to afford greater privacy to the creditor. A trustee can request the full information necessary for tax withholding and reporting at the time the trustee makes a distribution to creditors. Subtotals for unsecured, secured and (unsecured) priority claims are added to the box for the total amount of the claim and a box is added to the proof of claim for unsecured nonpriority claims. In addition, the shading is removed from the form.
7. **Official Form 16A** is the caption (full) form. It is amended to require the disclosure of only the last four digits of the debtor's Social Security number, and, if any, other complete Employer's Identification number. The last four digits of the Social Security number will provide creditors with sufficient information to identify the debtor accurately while affording greater privacy to the debtor. As specified in the 1991 Advisory Committee Notes to this form, the full caption should be used on the petition, the § 341 creditors' meeting notice, the order of discharge and documents relating to the chapter 11 plan. For other notices, motions, applications and other papers filed in cases, Bankruptcy Official Form 16B, Caption (Short Title), may be used. No change is required to Form 16B since the form does not include the Social Security number.
8. **Official Form 16C** is the caption of complaint in adversary proceeding filed by debtor form. It is abrogated. Section 342(c) of the Bankruptcy Code requires a debtor to provide the debtor's Social Security number on any notice furnished to the creditors by the debtor. A complaint, accompanied by a summons and served on a defendant, functions as a notice of the commencement of an adversary proceeding. The form is amended to advise the debtor of the statutory basis for requiring disclosure of the Social Security number.
9. **Official Form 17** is the notice of appeal form. It is amended to give notice to child support creditors and their representatives that no filing fee is required if the appellant files the statement specified in § 304(g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, 108 Stat 4106 (Oct. 22, 1994).

**C. New Official Form 21, Statement of Social Security Number(s)**

*Notice further is given that a new form of a statement of social security number(s) was approved by the Judicial Conference of the United States when it met in September 2003. (See Footnote 1 above for additional information concerning the use of this form.)*

**D. Use of Current, Revised and New Official Bankruptcy Forms**

*Notice further is given* that attorneys and parties should continue to make use of the current versions of the official bankruptcy forms, including the Voluntary Petition, Involuntary Petition, Schedules, Statement of Affairs and Proof of Claim, through the end of the day on November 30, 2003. Consistent with FRBP 9005, 9009 and 9029, the revised and new forms should be used on and after December 1, 2003, as required by the Federal Rules of Bankruptcy Procedure and as prescribed by the Judicial Conference of the United States. (The official forms “shall be observed with alterations as may be appropriate,” as provided for in FRBP 9009, and generally are “subject to a ‘rule of substantial compliance’ to the Official Form.” Advisory Committee Notes to FRBP 9009.)

**E. Party-Initiated Forms, Attachments, Imaged Documents and Paper Files**

*Notice further is given* that the clerk is not responsible for redacting the Social Security number or other personal data identifiers from documents filed with the Court. This responsibility rests completely with the filer. Accordingly, the United States trustee, case and standing trustees and attorneys should review notices, reports and other materials prepared in their respective offices and firms, whether in paper or electronic form, which regularly become part of the case file, for appropriate modification consistent with changes in the rules and the forms as described and referenced in this notice and consistent with additional guidance that will be forthcoming at a later date. In this regard, it would be prudent for filers to examine their own internal procedures and practices to ensure that personal data identifiers are not unnecessarily placed in the public record.

Date: October 9, 2003

WILLIAM C. REDDEN  
CLERK OF COURT